

REMARKS

With regard to the rejection under 35 U.S.C. §112, second paragraph, Applicant has canceled claims 22-23 and 38-44.

Claim 21 was rejected under 35 U.S.C. §103(a) over Taheri ('458) in view of newly-cited Arkans ('961). Claim 21 has been amended to recite a hard, rigid outer shell, which neither of the cited references teach or suggest. Moreover, there is no motivation from the prior art to combine these references, such that *prima facie* obviousness has not been established.

Claims 22, 23, 29, 30, 32, 34, 37, 45 and 48 stand rejected over 35 U.S.C. §103(a) over the Taheri/Arkans combination, and further in view of Lina ('237). The Examiner concedes that the Taheri/Arkans combination fails to disclose the limitations of the claims of this group, but takes "official notice" type arguments regarding the fact that Applicant's limitations not limitations at all, even though specific structures, functions and ranges are recited. Lina resides in a pneumatic medical device, which has optional parameters that are unrelated to the instant claims. The Examiner's "argument" that because Lina teaches "upon system start up, the initial pressure in the first inflate mode is low because the inflate solenoid is only briefly energized (25 milliseconds in the preferred embodiment)," just this has no bearing on the instant invention or claims. Again, *prima facie* obviousness has not been established.

Claims 24-28, 38-40 and 42 stand rejected under 35 U.S.C. §103(a) over the Taheri/Arkans combination, and further in view of Zheng ('226). The Examiner concedes that the Taheri/Arkans combinations fails to teach or suggest the limitations of the claims of this group, but again takes "official notice" type arguments in applying Zheng on the grounds that "the specific timing and pressures are well known variables that the registered practitioner varies all of the time." Applicant respectfully disagrees. Again, there is no teaching or suggestion *from the prior art* to combine the references proposed by the Examiner, such that *prima facie* obviousness has not been established. "

Claim 31 stands rejected under 35 U.S.C. §103(a) over the Taheri/Arkans combination, and further in view of Vinmont. Applicant's arguments regarding Vinmont have already been made of record, and no further time will be wasted here.

Claims 35 and 36 stand rejected under 35 U.S.C. §103(a) over the Taheri/Arkans combination,

and further in view of Corcoran ('721). Applicant's characterization of Corcoran has already been made of record of record, and again, those arguments are repeated here.

With regard to claims 43, 44, 46, 47 and 49, Applicant has already discussed Lina and Zheng, and contends that the Examiner is simply picking and choosing things from different fields of endeavor, without any justification for combination, such that prima facie obviousness continues to be unavailable.

This application was filed originally in 1999, and after numerous Office Actions, attempts to appeal, and the like, prosecution seems to be circular in nature. Applicant is anxious for this case to go to the Board of Appeals, and respectfully requests that the Examiner either allow the case or issue a final rejection as soon as possible so that another appeal may be initiated.

Respectfully submitted,

By: 

John G. Posa

Reg. No. 37,424

Gifford, Krass, Groh, Sprinkle,

Anderson & Citkowski, PC

280 N. Old Woodward Ave., Ste 400

Birmingham, MI 48009

(734) 913-9300 FAX (734) 913-6007

Dated: July 29, 2004